

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EVERYTOWN FOR GUN SAFETY SUPPORT FUND,)
Plaintiff,)
v.) Case No. 18-CV-2296 (AJN)
BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES,)
Defendant.)

**DECLARATION OF ALLA LEFKOWITZ
IN SUPPORT OF PLAINTIFF'S CROSS MOTION FOR SUMMARY JUDGMENT AND
IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

I, ALLA LEFKOWITZ, of full age, declare:

1. I am an attorney of record for plaintiff Everytown for Gun Safety Support Fund. I am a member in good standing of the New York State Bar, and am admitted to practice before this Court. I have personal knowledge of the matters stated in this declaration. If called upon to do so, I am competent to testify to all matters set forth herein.

2. I am the Deputy Director for Affirmative Litigation at Everytown for Gun Safety Support Fund, an independent, non-partisan 501(c)(3) gun violence prevention organization headquartered in New York, NY.

3. Attached hereto to as Exhibit A is a true and correct copy of the following report: Everytown for Gun Safety, Disrupting Access: Addressing Firearm Suicide in the U.S. (2018).

4. Attached hereto as Exhibit B is a true and correct copy of the following report: U.S. Dep't of Veterans Affairs-Office of Suicide Prevention, Suicide Among Veterans and Other Americans, 2001-2014 (2016) (updated August 2017).

5. Attached hereto as Exhibit C is a true and correct copy of the following journal article: Chao, Stephanie D., *et al.*, *Impact of Licensed Federal Firearm Suppliers on Firearms-Related Mortality*, *J. Trauma & Acute Care Surgery* (2018) (pre-publication).

6. Attached hereto as Exhibit D is a true and correct copy of a letter from the DOJ's Office of Information Policy addressed to Avram D. Frey, dated July 6, 2017, denying Everytown's administrative appeal from ATF's denial of Everytown's FOIA request.

7. Attached hereto as Exhibit E is a true and correct copy of the Statement of Senator Patrick Leahy, in support of Senate Bill 612, the "OPEN FOIA Act of 2009," excerpted from *Statements on Introduced Bills and Joint Resolutions*, 115 Cong. Rec. S. 3164 (Mar. 17, 2009).

8. Attached hereto as Exhibit F is a true and correct copy of an excerpt from the Bureau of Alcohol, Tobacco, Firearms and Explosives' brief in Opposition to Plaintiff's Motion to Supplement the Administrative Record, filed in *Ron Peterson, LLC. V. Jones*, Case No. 11-CV-678 (D.N.M. Mar. 30, 2012) (ECF No. 43).

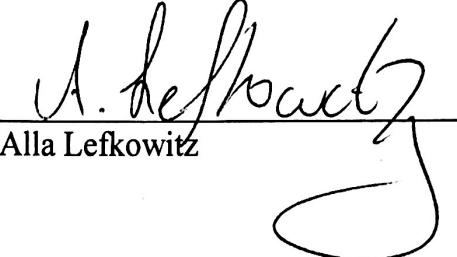
9. Attached hereto as Exhibit G is a true and correct copy of an excerpt from the Bureau of Alcohol, Tobacco, Firearms and Explosives brief in Opposition to Intervenor Plaintiff's Motion to Supplement the Administrative Record, filed in *10 Ring Precision, Inc., et al. v. Jones*, No. 11-cv-00663 (W.D. Tex. Mar. 26, 2012) (ECF No. 42).

10. Attached hereto as Exhibit H is a true and correct copy of the following article: Juliet Eilperin, "Firearms Measure Surprises Some in GOP," *WASH. POST*, at A19 (July 21, 2003).

11. Attached hereto as Exhibit I is a true and correct copy of ATF Publication 3312.9, eTrace Internet-based Firearms Tracing and Analysis (revised Dec. 2009).

I declare under penalty of perjury of the laws of the State of New York that the foregoing is true and correct to the best of my knowledge and belief.

Executed on November 2, 2018 in New York, New York.



Alla Lefkowitz